IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1567/06
(Smt. Vimla Sharma Vs. State of Rajasthan)

Date of Order : 05/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Dhanesh Saraswat for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

This criminal misc. petition under Section 482 Cr.P.C. is directed against the order dated 7.11.2006 passed by Judicial Magistrate, First Class, Kuchaman City, district Nagaur (for short 'the trial court' hereinafter) in Criminal Case No. 116/99 whereby the trial court issued non-bailable warrant against the present petitioner.

I have heard learned counsel for the petitioner and the public prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the proceeding in Criminal Case No. 116/99 came to be quashed by this Court by order dated 10.10.2006 passed in S.B.Criminal Misc. Petition No. 1311/06 Ashutosh Sharma and

Anr. Vs. State of Rajasthan and Anr. and therefore, there being no proceeding before the trial court, the trial court fell in error in summoning the petitioner by a non-bailable warrant for her appearance on 12.12.2006.

It appears that the proceeding in Criminal Case No.116/99 (State Vs. Ashutosh & Ors.) before the trial court has already been quashed by this Court in S.B.Criminal Misc. Petition No. 1311/06 Ashutosh Sharma and Anr. Vs. State of Rajasthan and Anr. on 10.10.2006 and therefore, the trial court fell in error in summoning the petitioner in the said proceeding by a non-bailable warrant and thus, the order impugned deserves to be set aside.

In the result, the criminal misc. petition is allowed. The order impugned dated 7.11.2006 passed by the trial court is set aside and it is made clear that the proceeding in Criminal Case No. 116/99 has already been quashed by this Court and thus there remains no proceeding against the present petitioner and co-accused Ashutosh.

(H.R.PANWAR),J.

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